

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Christopher Polansky

v.

Civil No. 13-cv-3-PB

Richard M. Gerry, Warden,
New Hampshire State Prison

O R D E R

Before the court is Christopher Polansky's filing entitled "Amended Pleading to Plaintiff's Petition for Writ of Habeas Corpus" (doc. no. 12) ("Amended Pleading"). The document is filed in response to this court's February 14, 2013, order (doc. no. 10) directing Polansky to file an amended petition to show cause why the petition should not be dismissed as untimely.

The Amended Pleading, construed liberally, is in part a motion to amend Polansky's § 2254 petition, and, in part, notice to the court that he needs more than the thirty days granted in the February 14, 2013, order to file an amended petition in this matter. Polansky previously filed a motion to extend the deadline for filing an amended petition (doc. no. 11). The court, on March 7, 2013, granted the motion, allowing Polansky until April 15, 2013, to file his amended petition. It appears that the court's March 7 order and Polansky's motion to amend (doc. no. 11) crossed in the mail, and that Polansky did not see

the order granting him an extension before filing the Amended Pleading (doc. no. 12).

To the extent Polansky intends his instant filing (doc. no. 12) to be a motion to amend the petition, that request is held in abeyance pending review of any further supplemental information Polansky may file in response to the February 14, 2013, order (doc. no. 10). Polansky must file such supplemental information in the form of an amended petition by April 15, 2013, in compliance with the directions set forth in the court's February 14 and March 7, 2013, orders. Upon Polansky's filing of an amended petition, or the expiration of the time allowed for doing so, the court will consider the assertions in Polansky's Amended Pleading (doc. no. 12), along with the assertions in any new amended petition, in determining whether Polansky has demonstrated that his petition should not be dismissed as untimely.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

March 15, 2013

cc: Christopher Polansky, pro se

LBM:jba